

Article - Criminal Procedure

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§6–224.

(a) This section applies to a defendant who is convicted of a crime for which the court:

- (1) does not impose a sentence;
- (2) suspends the sentence generally;
- (3) places the defendant on probation for a definite time; or
- (4) passes another order and imposes other conditions of probation.

(b) If a defendant is brought before a circuit court to be sentenced on the original charge or for violating a condition of probation, and the judge then presiding finds that the defendant violated a condition of probation, the judge:

(1) subject to subsection (c) of this section, may sentence the defendant to:

(i) all or any part of the period of imprisonment imposed in the original sentence; or

(ii) any sentence allowed by law, if a sentence was not imposed before; and

(2) may suspend all or part of a sentence and place the defendant on further probation on any conditions that the judge considers proper, and that do not exceed the maximum set under § 6–222 of this subtitle.

(c) (1) Subject to paragraph (2) of this subsection, if the court finds that the defendant violated a condition of probation that is a technical violation, the court may impose a period of incarceration of:

- (i) not more than 15 days for a first technical violation;
- (ii) not more than 30 days for a second technical violation;
- (iii) not more than 45 days for a third technical violation; and

(iv) all or any part of the period of imprisonment imposed in the original sentence for a fourth or subsequent technical violation.

(2) (i) There is a rebuttable presumption that the limits on the period of incarceration that may be imposed for a technical violation established in paragraph (1) of this subsection are applicable.

(ii) The presumption may be rebutted if the court finds and states on the record, after consideration of the following factors, that adhering to the limits on the period of incarceration established under paragraph (1) of this subsection would create a risk to public safety, a victim, or a witness:

1. the nature of the probation violation;
2. the facts and circumstances of the crime for which the defendant was convicted; and
3. the defendant's history.

(iii) On finding that adhering to the limits would create a risk to public safety, a victim, or a witness under subparagraph (ii) of this paragraph, the court may:

1. direct imposition of a longer period of incarceration than provided in paragraph (1) of this subsection, but no more than the time remaining on the original sentence; or
2. commit the defendant to the Maryland Department of Health for treatment under § 8–507 of the Health – General Article.

(iv) A finding under subparagraph (ii) of this paragraph or an action under subparagraph (iii) of this paragraph is subject to appeal under Title 12, Subtitle 3 or Subtitle 4 of the Courts Article.

(d) (1) The District Court judge who originally imposed conditions of probation or suspension of sentence shall hear any charge of violation of the conditions of probation or suspension of sentence.

(2) Except as provided in paragraph (3) of this subsection, the judge shall sentence the defendant if probation is revoked or suspension stricken.

(3) If the judge has been removed from office, has died or resigned, or is otherwise incapacitated, any other judge of the District Court may act in the matter.

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